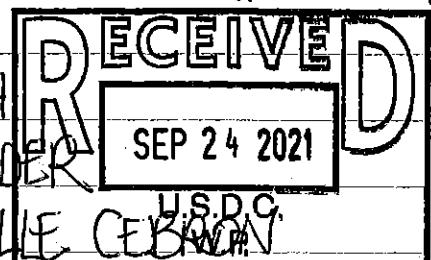


MALIK L. BROWN

- against -

STEPHEN URBANSKI, ISSA JUNES, JOSEPH  
DETCON, MARK DELBIANCO, ALEXANDER  
MINARD, BRENDAN WALSH, DANIELLE CEBANIA  
ANTHONY ANNucci,

Plaintiff, Case No. 21-cv-00214-CS

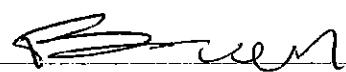


Defendants.

I, the plaintiff (MALIK L BROWN) write this asking that you dismiss the defendants motion and proceed to discovery there is extreme evidence that support my FAC theres is even a video on my assault counsel for defendants clearly disregards my FAC Even made a bias remark such as any claim on state grounds it would be automatically barred my attacker was in the box for assault on staff he was a individual that was housed in (FCF GP) and has an extreme history of violence there it is duty of defendants to following there training my constitutional rights where violated as soon as I was taken out of SHU 200 at FCF

Only to be housed on Keoplock and  
become subjected to harsh conditions  
officers clearly & deliberately put  
multiple incarcerated individuals  
in the blistering sun in restraints I was  
clearly subjected to inhumane conditions  
I was mascd without reason or cause  
(Excessive VOF) Deprivation of rec  
(VIII Amendment) callubrate indifference  
(VIII Amendment) there are multiple  
facts stated in my FAC that support  
my claim I almost lost my life  
I ask that we proceed to discovery  
the only true argument counsel  
has I believe is that defendants  
are entitled to Qualified Immunity I  
ask of you to not grant this motion  
till this day I struggle that  
video has to be seen I was  
left to die but I fought please  
lets proceed.

Sent out : September, 19, 2021

X M. 

CC: pro se  
WITNESS  
unit

CC: Brown  
16A1000

I need this back  
make copies please

Malik Brown Video 6/14/2020 in the yard Video starts at 9:14:20 and ends at 9:3

The beginning of the video is just the men in the yard walking back and forth. The following are my observations as we get closer to the assault.

9:18:33 -51 Mr. Collins steps away from the fence and a crowd of people at the fence near the basketball court where he is in plain view. No officers are in camera view observing. As Mr. Collins is walking away from the crowd he appears to be straightening his arms in a downward motion. He stands in clear view of the camera as he bends over and appears to be doing something with his arms. He then stands up, turns around and with his arms relaxed walks back to the fence by the basketball court.

9:28:05 – 25 Mr. Collins is seen walking from the side of the yard opposite the basketball court. He stops in the same place he was before. He turns his back on the basketball court and bends over fiddling with something in front of him. Then he is seen pulling something up with his right hand. Mr. Collins then turns and walks toward the basketball court.

9:28- 39 Mr. Brown walks past Mr. Collins. They speak as Mr. Brown stops and turns towards Mr. Collins. Mr. Brown turns away from Mr. Collins and walks away. The men appear to have been speaking. Mr. Collins follows Mr. Brown. There is no sound to the video so it is impossible to know the content or tone of the conversation.

9:28:58 -9:29:31 Mr. Brown turns towards Mr. Collins. Mr. Collins raises the chain from his waist and starts to swing the chain with force at Mr. Brown. Mr. Brown falls to the ground and Mr. Collins keeps swinging the chain. Mr. Brown is kicking at Mr. Collins to try and prevent the blows from hitting him. Mr. Collins swings at Mr. Brown's legs. At one point Mr. Collins gets on the side of Mr. Brown and Mr. Brown can no longer use his legs for defense. Mr. Brown is hit in the chest. Mr. Collins swings approximately 13 times at Mr. Brown before the officers pull him off of Mr. Brown. Mr. Brown is hit with the chain in the chest, legs, and back that we can see. The last blow we cannot see where Mr. Brown is hit as Mr. Collins is standing in the way of the camera.

~~Concerning~~ 10:05 is 35 minutes later  
and 10:20 almost 60 mins  
later

X M. Brown

cc: Po Se  
Intake unit

BROWN, W., # 16A1000 UPDATE CF

 <b>Corrections and Community Supervision</b>  ANDREW M. CUOMO      ANTHONY J. ANNUNCI Governor                      Acting Commissioner	Grievance Number <b>FCF-0159-20</b>	Desig./Code <b>I/50</b>	Date Filed <b>06/18/20</b>
	Associated Cases		Hearing Date <b>10/08/20</b>
	Facility <b>Fishkill Correctional Facility</b>		
	Title of Grievance <b>Failure To Protect</b>		

**GRIEVANT'S REQUEST UNANIMOUSLY DENIED**

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

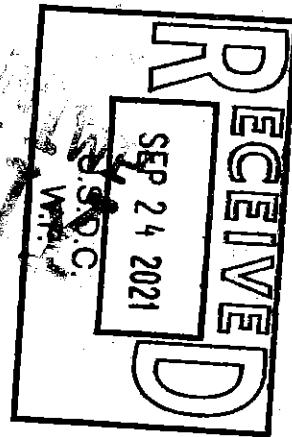
CORC notes that the grievant was involved in an appropriately documented Unusual Incident (UI) and Use of Force (UOF) on 6/14/20 when he was assaulted by another incarcerated individual in the keeplock recreation yard. He was promptly taken to medical for assessment and decontamination in accordance with Directive #4903. The grievant was noted with having a 2 1/2" x 2 1/2" swollen area to the back of his head and abrasions to his hands, elbows and legs and was transported to the outside hospital for further treatment. It is also noted that staff were required to go through the keeplock gate to reach the incarcerated individuals and once adequate staff arrived, only the force necessary to stop the assault was used. In addition, it is noted that the grievant and the other incarcerated individual were placed in mechanical restraints per their respective orders issued by the DSS in accordance with Directive #4933.

With respect to the grievant's appeal, CORC finds insufficient evidence of malfeasance by staff and advises him to address safety and security concerns to supervisory staff at the time of the incident for any remedial action deemed warranted. CORC notes that he has since been transferred.

MXV/

SOUTHPORT CORRECTIONAL FACILITY  
P.O. BOX 2000  
PINE CITY, NEW YORK 14871-2000

NAME: Malik Brown DIN: Malik



Pro Se Intake Unit  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY



Correctional Facility



ZIP 14871  
041M11274238

SOUTHPORT

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09/20/2021

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